

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAMILLE SHOCAIR,

Plaintiff,

v.

Case Number 07-13595

Honorable David M. Lawson

ANTHONY SCOTT,

Defendant.

**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT AND
RECOMMENDATION, GRANTING THE DEFENDANT’S
MOTION TO DISMISS AND DISMISSING THE COMPLAINT**

The plaintiff, Camille Shocair, brought this action against her former supervisor, the defendant Anthony Scott. The plaintiff complains of an incident where foam soap containing some sort of acid was splashed on her face. She was removed from the department, and filed a grievance with the union that was denied. She then filed the present complaint to “protest” this denial.

The defendant filed a motion to dismiss. He argues that the Court lacks jurisdiction over the matter and that the plaintiff has failed to state a claim upon which relief can be granted. Magistrate Judge Scheer recommended that the defendant’s motion to dismiss be granted, because “no federal question was pled and diversity jurisdiction does not exist.” The plaintiff timely objected.

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994). Congress has authorized federal courts to hear cases “arising under the Constitution, laws, or treaties of the United States” or based on diversity of citizenship. 28 U.S.C. §§ 1331 & 1332. Diversity of citizenship requires that (1) the parties be citizens of different states and (2) the amount in controversy exceed \$75,000. 28 U.S.C. § 1332(a). The burden is on the plaintiff to establish

jurisdiction. *Kokkonen*, 511 U.S. at 377.

In her objections to the magistrate judge's report and recommendation, the plaintiff fails to address the conclusion that this Court lacks jurisdiction. No federal question was pleaded, and it appears that the plaintiff and the defendant are residents of the same state. The plaintiff has not pointed to any facts or law supporting her claim of jurisdiction, and the Court is aware of none. The Court finds that the magistrate judge correctly concluded that the Court lacks jurisdiction of the plaintiff's claims.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #9] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's objections to the magistrate judge's report [dkt #10] are **OVERRULED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #6] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED without prejudice**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: March 20, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 20, 2008.

s/Felicia M. Moses

FELICIA M. MOSES